

# Exhibit 3

THE CIRCUIT COURT FOR MONTGOMERY COUNTY, MARYLAND

CHRISTOPHER PUGH  
and  
LINDSEY PUGH

Plaintiffs,

v.

CHRISTIANA TRUST, A  
DIVISION OF WILMINGTON  
SAVINGS FUND SOCIETY, FSB,  
AS TRUSTEE FOR SUNSET  
MORTGAGE LOAN TRUST,  
SERIES 2014-2

Defendant

Case No.: 401879V

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AMENDED ORDER

This case came before this Court for a hearing on September 29, 2015 on the Plaintiffs' Motion for Summary Judgment, filed July 22, 2015 (docket entry #12), the Defendant's Opposition thereto (docket entry #20), the Defendant's Cross Motion for Summary Judgment (docket entry #20), filed August 31, 2015, and the Plaintiffs' Response thereto (docket entry #23). Upon consideration of those filings and the arguments of counsel, the Court hereby finds:

**THAT** the Plaintiffs Christopher and Lindsey Pugh are residents of the State of Maryland and the owners of the real property commonly known as 728E Coachlight Court, Frederick, Maryland 21703;

**ENTERED**

FEB 17 2016

Clerk of the Circuit Court  
Montgomery County, Md.

**THAT** the Defendant Christiana Trust, a Division of Wilmington Savings Fund Society, FSB, as Trustee for Sunset Mortgage Loan Trust, Series 2014-2 is the owner of the Plaintiffs' loan subject to these proceedings since March 14, 2014;

**THAT** the Defendant Christiana Trust is not currently, and has not been, licensed as a Maryland collection agency or mortgage lender;

**THAT** the Defendant Christiana Trust is exempt from the licensing requirements of the Maryland Collection Agency Licensing Law ("MCALA") because it is a federally chartered Bank. See Md. Code Ann., Bus. Reg., §7-102(b)(1);

**THAT** Selene Finance, LP qualifies as a mortgage servicer under the Maryland Mortgage Lender Law ("MMLL"). Md. Code Ann., Fin. Inst. §11-501(n);

**THAT** Selene Finance, LP is a licensed loan servicer under the MMLL. See Md. Code Ann., Fin. Inst., §11-501;

**THAT** the MCALA provides that it does not apply to a mortgage lender that is subject to the licensing requirements of the MMLL. Md. Code Ann., Bus. Reg. §7-102(b)(3);

**THAT** Selene Finance, LP, properly licensed under the Maryland Mortgage Lender Law, is the mortgage servicer for the Plaintiffs' loan on behalf of the Defendant;

**THAT** Selene Finance, LP, in its capacity as servicer for the Defendant, is responsible for issuing monthly statements, collecting monthly mortgage payments, crediting the collected payments to borrowers' loans, and participating in litigation as servicer and attorney-in-fact for the Defendant;

**ENTERED**

FEB 17 2016

Clerk of the Circuit Court  
Montgomery County, Md.

THAT Selene Finance, LP has solely made all attempts to collect amounts owed on the Plaintiffs' loan since the assignment of the Plaintiffs' loan to the Defendant;

THAT Selene Finance, LP, as the Defendant's mortgage servicer, has, at all relevant times, held a license issued under the Maryland Mortgage Lender Law ("MMLL")<sup>1</sup>, evidenced by Exhibit 7 and Exhibit 8 of the Defendant's Cross-Motion for Summary Judgment;

THAT Selene Finance, LP, as the Defendant's mortgage servicer, is exempt from needing a license under the Maryland Collection Agency Licensing Act ("MCALA"), as the MCALA provides that it does not apply to a "mortgage lender" that is subject to the licensing requirements of the MMLL<sup>2</sup>;

THAT the nature of the collections between the parties and Selene involves a mortgage, and not a consumer debt, and therefore, the requirements of the MCALA do not apply<sup>3</sup>;

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<sup>1</sup> Pursuant to the MMLL, "a person may not act as a mortgage lender unless the person is...a licensee, or exempted from licensing under the [MMLL]." Md. Code Ann., Fin. Inst. § 11-504. A mortgage lender is defined by the MMLL as "any person who is: (i) a mortgage broker; (ii) makes a mortgage loan to any person; or (iii) is a mortgage servicer." Md. Code Ann., Fin. Inst. § 11-501(j). A mortgage servicer is defined by the MMLL as "a person who (1) engages in whole or in part in the business of servicing mortgage loans for others; or (2) collects or otherwise receives payments on mortgage loans directly from borrowers for distribution to any other person." Md. Code Ann., Fin. Inst. § 11-501(n).

<sup>2</sup> The MCALA provides that "a person must have a license whenever the person does business as a collection agency in the State." Md. Code Ann., Bus. Reg. § 7-301(a). Mortgage servicers ("mortgage lenders") are exempt from the licensing requirements of the MCALA. Md. Code Ann., Bus. Reg. § 7-102(b)(3).

<sup>3</sup> A "collection agency" is defined by the MCALA as "a person who engages directly or indirectly in the business of: (1)(i) collecting for, or soliciting from another, a consumer claim; or (ii) collecting a consumer claim the person owns, if the claim was in default when the person acquired it..." Md. Code Ann., Bus. Reg. § 7-101(c).

**THAT** the Defendant Christiana Trust is exempt from licensing requirements under the MCALA<sup>4</sup> and MMLL<sup>5</sup>, as a division of Wilmington Savings Fund Society, F.S.B. ("WFSF"), a federally chartered bank serving as trustee for the trust which owns the mortgage loan at issue;

**THAT** the Defendant has complied with the licensing requirements of the MMLL by utilizing, for all collection activity, its mortgage servicer, Selene Finance, LP, who is properly licensed under the MMLL and exempt from the licensing requirement of the MCALA;

For the foregoing reasons, it is this 12 of February, 2016, by the Circuit Court for Montgomery County, Maryland

**ORDERED**, that the Order entered on October 21, 2015 (docket entry #32/33), is **AMENDED**; and it is further

**ORDERED**, that the Plaintiffs' Motion for Summary Judgment (docket entry #12) shall be, and hereby is, **DENIED**; and it is further

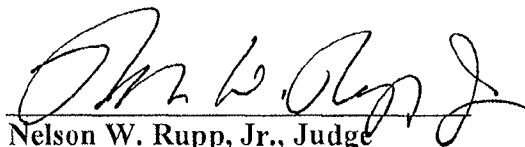
**ORDERED**, that the Defendant's Cross Motion for Summary Judgment (docket entry #20<sup>4</sup>) shall be, and hereby is, **GRANTED**, and

Judgment is entered in favor of the Defendant.

**ENTERED**

FEB 17 2016

Clerk of the Circuit Court  
Montgomery County, Md.



Nelson W. Rupp, Jr., Judge  
Circuit Court for Montgomery County, Maryland

<sup>4</sup> The MCALA provides that its licensing requirements do not apply to a bank or a "trust company." Md. Code Ann., Bus. Reg. § 7-102(b)(1). Md. Code Ann., Bus. Reg. § 7-102(b)(8).

<sup>5</sup> The MMLL provides an exemption from its licensing requirements for "any bank, trust company, savings bank, savings and loan association, or credit union incorporated or chartered under the laws of this State or the United States or any other state bank having a branch in this State." Md. Code Ann., Fin. Inst., § 11-502(b)(1).